

In the Matter of Genesis Insurance Company, )  
An Authorized Insurer )  
\_\_\_\_\_) )

4. On June 22, 2000, the JUA sent Genesis a Notice of Assessment, requiring that the insurer send payment of a \$5,934.10 assessment. The Notice also provided that “Assessments are due sixty days after mailing of the notice” and that “As provided in

WAC 284-87-070(4), any insurer failing to remit its assessment is subject to revocation of its certificate of authority.”

5. Since Genesis had not paid its \$5,934.10 assessment by August 24, 2000, the JUA sent a reminder letter on that date to Genesis, pointing out that the assessment was overdue. The reminder letter again pointed out that “...any insurer failing to remit its assessment when due is subject to revocation of its certificate of authority.” From August 24, 2000, to the present, Genesis has never paid its 2000 assessment of \$5,934.10.

#### CONCLUSIONS OF LAW:

1. By failing to remit its 2000 assessment of \$5,934.10, Genesis Insurance Company violated WAC 284-87-070(4) and is subject to the revocation of its certificate of authority. In aggravation of the original violation, Genesis disregarded the reminder letter of August 24, 2000.

2. RCW 48.05.185 provides that “After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation or refusal to renew any certificate of authority, the commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars nor more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due, the commissioner shall revoke the certificate of authority if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general.”

#### CONSENT TO ORDER:

1. Genesis Insurance Company hereby admits and stipulates to the foregoing Findings of Fact and Conclusions of Law. In addition, it acknowledges its duty to comply with all applicable statutes and regulations of the state of Washington.

2. The Commissioner has offered a settlement of this matter, instead of suspending or revoking Genesis Insurance Company’s certificate of authority in Washington state. Genesis wishes to accept this offer of settlement, in lieu of further proceedings in this matter.

3. By agreement of the parties, the Commissioner will impose a fine of \$10,000, with \$8,000 of that sum being suspended upon conditions set forth below. The unsuspended \$2,000 must be paid in full within thirty days of the date this consent order is entered. If the \$2,000 is not paid to the Insurance Commissioner of the state of Washington, in full

by that date, this will constitute grounds for the revocation of the certificate of authority which Genesis Insurance Company holds in this state, and the entire amount of the fine, \$10,000, will be recovered in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.

4. From the amount of the fine, \$10,000, the sum of \$8,000 will be suspended for sixty days after the date this consent order is entered, upon condition that Genesis pay its 2000 \$5,934.10 assessment to the Midwife JUA within 30 days after the date this order is entered. If Genesis does not do so, then the suspended \$8,000 will be due and payable sixty days after the date this order is entered. If that amount of \$8,000 is not paid in full within sixty days of the date this order is entered, this will constitute grounds for revocation of the certificate of authority held by Genesis in this state, and the amount of \$8,000 will be recovered in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.

5. If Genesis Insurance Company does pay the unsuspended \$2,000 of the fine to the Insurance Commissioner of the state of Washington, and also pays its 2000 assessment of \$5,934.10 to the Midwife JUA, by not later than thirty days after the entry of this order, then the Insurance Commissioner will waive the suspended \$8,000 of the fine.

SIGNED AND AGREED this 19<sup>th</sup> day of June, 2002.

GENESIS INSURANCE COMPANY

By \_\_\_\_\_

Typed Name \_\_\_\_\_

Typed Corporate Title \_\_\_\_\_

ORDER:

1. Pursuant to RCW 48.05.185, the Insurance Commissioner hereby imposes a fine of \$10,000 (ten thousand dollars and no/100) upon Genesis Insurance Company. Of this amount, the sum of \$8,000 (eight thousand dollars and no/100) shall be suspended upon conditions set forth below. The unsuspended \$2,000 (two thousand dollars and no/100) must be paid in full to the Insurance Commissioner of the state of Washington, within thirty days of the entry of this order. If the unsuspended \$2,000 is not paid in full to the Insurance Commissioner of the state of Washington by that date, this will constitute grounds for the revocation of the certificate of authority held by Genesis, and the full amount of the fine, \$10,000, will be recovered in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.

2. From the amount of the fine, \$10,000, the sum of \$8,000 will be suspended for sixty days after this consent order is entered, upon condition that Genesis pay its 2000 assessment of \$5,934.10 to the Midwife JUA within thirty days after the date this order is entered. If the \$5,934.10 is not paid to the Midwife JUA within thirty days after the entry of this order, and if the amount of \$2,000 is also not paid in full to the Insurance Commissioner of the state of Washington, within sixty days after the entry of this order, then this will constitute grounds for the revocation of the certificate of authority held by Genesis in the state of Washington, and the amount of \$8,000 (eight thousand dollars and no/100) will be recovered in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.

3. If Genesis Insurance Company does pay the unsuspended \$2,000 to the Insurance Commissioner of the state of Washington, and also does pay its 2000 assessment of \$5,934.10 to the Midwife JUA, both within thirty days of the entry of this order, then the Insurance Commissioner will waive the suspended \$8,000.

ENTERED AT TUMWATER, WASHINGTON, this 28<sup>th</sup> day of June, 2002.

MIKE KREIDLER  
Insurance Commissioner

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William Kirby  
Legal Affairs Division